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BILL  
BRUCE  
✓CAROL

ANY SUGGESTIONS?  
NEED INPUT ASAP.  
D. MOON

My Input: Letter to CDH re: Sunnyside Settlement

1. What are the Division's long-term goals for improving zinc concentrations in the Animas River basin? We support the Water Quality Control Commission's goal of improving water quality in the basin. However, the proposed settlement seems to be directed toward simply maintaining existing zinc concentrations.
2. Why is the existing 85th percentile zinc quality of 520 ug/l in segment 4a being used as a water quality goal, when support of the current designated use in this segment seems to require that a lower concentration be reached? The Commission has adopted a chronic zinc numeric standard (effective in 1998) of 225 ug/l. That numeric standard is intended to prevent chronic toxicity to brown trout. The current designated use of segment 4a is Aquatic Life Cold 2, and the Commission has adopted a use of Aquatic Life Cold 1 that is scheduled to become effective in 1998. Why is 225 ug/l (or some other level deemed protective of aquatic life) not being used as the goal? Does the Division believe that 520 ug/l is protective of the desired aquatic life use?
3. Once execution of the settlement agreement is completed, and assuming existing zinc quality is maintained, what further opportunities for reductions in zinc loadings will exist at that point? One outcome of the settlement will be that many of the promising opportunities for reducing zinc loadings will be exhausted, leaving an uncertain path toward future improvements. Has the Division identified opportunities for reductions in zinc loadings which are not included in the list of mitigation projects, and will they reasonably provide an opportunity for improving zinc concentrations to levels that will protect the desired aquatic life use?
4. Why has the Division not prepared a basin-wide assessment of all zinc sources and allocated to Sunnyside a reasonable portion of the load reductions that will be necessary to protect the designated use in segment 4a? Eventual support of aquatic life uses seems to require reductions in zinc loadings basinwide (particularly if brown trout is the goal). Clearly, the Sunnyside Mine cannot be held responsible for all of the required reductions. But why should they not be held responsible for a portion of the reductions that will be necessary?
5. What further responsibilities will Sunnyside Mine face if, following completion of the settlement agreement, monitoring data show that zinc loadings and ambient concentrations are higher? There seems to be substantial uncertainty regarding the potential effectiveness of the plug and the potential loading reductions possible from completion of the mitigation projects. What contingencies are included in the settlement agreement in the event that ambient zinc concentrations are increased?

You ask some very good questions  
Regarding the letter to Colorado.  
However, don't we want to be a  
little more definitive about what  
we feel is needed?

Carol